

Submitted by Don Clegg, relating to Bill 9(2011)

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TESTIMONY BEFORE THE ZONING COMMITTEE IN SUPPORT OF Bill 9

March 1, 2011

2011 FEB 28 AM 8:00

The applicant is requesting the City Council to rezone a 40.59 acre property located in Mokuleia, mauka of Farrington Highway, from F-1 Military to Ag-2 Agriculture. The proposed zone change is in conformity with State land use laws, the North Shore Sustainable Communities Plan, and the existing zoning and land use for the area. The land in question is surrounded by thousands of acres of land zoned for agriculture.

The Property is located within a State agricultural district and the surrounding land use includes palm tree farming, cattle ranching, sugarcane fields, taro farming and a banana plantation. Several farm dwellings, formerly associated with the Dillingham Ranch, are scattered throughout the areas near the Property. The nearest residential development is approximately one-mile to the northeast, at Laau Paina Place. The Property is approximately 5-miles southwest of Haleiwa and 1.25-miles southeast of Dillingham Airfield.

Prior to 1944, the Property was owned by Mokuleia Ranch and Land Company Ltd. (Dillingham Ranch) within a larger parcel of agricultural land. In 1944, the Property was condemned for public use and used by the US Military. The Declaration of Taking filed in 1946 by the United States Government states that the subject property was acquired for public use by the military and other war purposes. In 1966 the Federal Government determined the property to be surplus and sold it to the State of Hawaii. Section 21-3.40 (d) of the Land Use Ordinance mandates that should lands be removed from either the state-designated conservation district or from federal jurisdiction, it shall be zoned F-1 and all uses, structures and development standards shall be as specified for the P-2 general preservation district. The purpose of designating land released from Federal use as P-2 is to put it into a limited use holding pattern until an appropriate use can be determined. The land under consideration has been in a

holding pattern since 1966 when it was transferred to the State of Hawaii by the United States Government and currently has an F-1 zoning designation only because it was formally zoned for Federal use and is no longer under Federal jurisdiction.

An Environmental Assessment was completed in October of 2009 with a Finding Of No Significant Impact (FONSI).

The applicant will maintain and develop the three existing lots of record for activities permitted in the AG-2 district by the Land Use Ordinance (LUO). The present P-2 zoning allows for limited agricultural uses and does not allow farm dwellings which are vital for protection and management of crops and livestock. The surrounding land parcels are already zoned Ag-2 and located within the State Agricultural District, therefore the proposed change is consistent with the existing land use in the area. In addition, the owners have agreed to a Unilateral Agreement (UA) that prohibits them from further subdividing the property. They also plan to live on the property and to use the property for farming

Therefore the Owners respectively request that the Zoning Committee Vote to move this zoning application to the full Council for second reading and public hearing.

Sincerely,

Donald Clegg
Agent for the Applicant